

Remarks

Upon entry of this amendment, claims 2-20 and 22-32 are pending and at issue in the application, claims 1 and 21 having been canceled, without prejudice, by this amendment. Claims 2, 9, 17, 18, 22, 23, 24, and 25, as amended, and claim 32 are independent claims.

In general, the applicants' disclosure teaches an IV pole including such features as an adjustable multi-height handle, an enclosed wheel base, a retractable power cord, an adjustable-height catheter hook, or any combination thereof.

Claims 2-20 and 22-31, as amended, specify an IV pole comprising a base with a set of three or more wheels coupled thereto, a pole having a lower portion coupled to the base and an upper portion remote from the base, at least one intravenous fluid reservoir holder proximate the upper portion of the pole, and a handle coupled to the pole between the lower portion and the upper portion thereof.

Claim 32 specifies an IV pole having a base with a set of at least three wheels coupled thereto, the base further including an enclosure that substantially covers the wheels and a bumper secured to the enclosure at an outer perimeter thereof, a pole comprising first and second arms extending substantially vertically upwardly from the base, each arm comprising respective lower, central, and upper telescoping portions, wherein the respective lower portions of the first and second arms are securely coupled to the base, and wherein the respective upper portions of the first and second arms are rigidly interconnected with one another, and wherein the respective central portions of the first and second arms are rigidly interconnected via a stabilization bar having a plurality of routing channels sized to receive flexible tubing, at least one intravenous fluid reservoir holder mounted to the pole proximate the uppermost end thereof, and a handle coupled to the pole and movable axially along at least a portion of the pole, wherein the handle

comprises a ring oriented obliquely relative to the pole.

Initially, applicants wish to thank Examiner Ramirez for the thorough examination of this application, the indication that dependent claims 17-20, 26, and 29-31 are allowable if rewritten in independent form, and the allowance of independent claim 32. Applicants and their undersigned counsel also wish to thank the Examiner for the courtesies extended during the personal interview held December 8, 2004 with inventor Cari Ugent and the undersigned. The Examiner's thorough preparation for the interview is appreciated.

Applicants respectfully traverse the rejection of claims 1, 9, 11, and 21 as anticipated by Bennett *et al.*

Claims 1 and 21 have been cancelled by this amendment.

Claim 9, as amended, specifies that the claimed base comprises an enclosure that substantially covers and encloses the set of wheels. Bennett *et al.* discloses a base 6 with wheels 14 but does not disclose or suggest an enclosure that substantially encloses as well as covers the wheels. The upper and lower "plates" 10 and 12 of Bennett *et al.* do not constitute such an enclosure and do not substantially cover and enclose the wheels 14 of the Bennett *et al.* apparatus, nor is there any disclosure or suggestion that they should substantially cover and enclose the wheels. In contrast, the applicants' base, as claimed, substantially covers and encloses the set of wheels of the applicants' IV pole. *See, e.g.,* applicants' FIGS. 2, 3, and 6.

Claim 11 depends from claim 10, which depends, in turn, from claim 9. Claim 10 specifies the IV pole of claim 9 further including a bumper secured to the enclosure at an outer perimeter thereof, and claim 11 further specifies that the bumper extends along substantially the entire perimeter of the enclosure. Dependent claim 10 is not rejected as anticipated by Bennett *et al.* and should be allowed because none of the cited references, taken singly or in combination,

discloses or suggests an IV pole having a base comprising an enclosure that substantially covers and encloses the set of wheels and further including a bumper secured to such an enclosure at an outer perimeter thereof. Claim 11, which depends from claim 10, is patentable and should be allowed for the same reason and also for the further reason that the cited art also fails to disclose or suggest a bumper that extends along substantially the entire perimeter of such an enclosure. The rejection of claims 9 and 11 as anticipated by Bennett *et al.* should be reconsidered and withdrawn.

Applicants also respectfully traverse the rejection of claims 2-6 as obvious over Bennett *et al.* in view of McCoy, *et al.*

Claim 2, as amended, and claims 3-8 dependent thereon, recite an electrical receptacle mounted to the IV pole. Bennett *et al.* fails to disclose or suggest providing the IV stand of Bennett *et al.* with an electrical receptacle, or even the desirability or possibility doing so. Absent such a disclosure or suggestion in the prior art, the Examiner has not established a *prima facie* case of obviousness. The rejection of claims 2-6 should be reconsidered and withdrawn.

Applicants also respectfully traverse the rejection of claim 7 and 8 as obvious over Bennett *et al.* in view of McCoy *et al.* and Sutphen.

Claim 7 recites a retractable power cord for electrically coupling the claimed electrical receptacle to an electric power supply, and claim 8 specifies that the retractable power cord comprises a self-coiling electric power cord. Neither Bennett *et al.* nor McCoy *et al.* nor Sutphen, alone or in any combination, discloses or suggests that an IV pole be provided with a retractable power cord. As discussed above, the cited art provides no motivation to combine an IV pole with an electrical receptacle. Consequently, the cited art also fails to disclose or suggest any motivation to provide a retractable power cord for electrically coupling the electrical

receptacle to an electric power supply. Sutphen discloses a movable air stand for pneumatic tools, which is non-analogous art. Those of ordinary skill in the IV pole art would not be motivated to look to the teachings of Sutphen to overcome the problems solved by the applicants' present invention, and there is no teaching in Bennett *et al.* or McCoy *et al.* to combine the teachings of those references with the teachings of Sutphen. Sutphen discloses air tubes through which compressed air is delivered to pneumatic power tools and contains no disclosure or suggestion that an electrical receptacle be provided, much less that a retractable power cord be provided for electrically coupling such an electrical receptacle to an electric power supply.

For the same reasons, applicants also traverse the rejection of claims 15 and 16 as obvious over Bennett *et al.* in view of Metz *et al.* and Sutphen. Bennett *et al.*, Metz *et al.*, and Sutphen all fail to disclose or suggest an IV pole with an electrical receptacle and a retractable power cord for electrically coupling the electrical receptacle to an electric power supply as required by claims 15 and 16, or that the retractable power cord for an IV pole can comprise a self-coiling electric power cord as required by claim 16. The rejections of claims 7, 8, 15, and 16 should be reconsidered and withdrawn.

Applicants also respectfully traverse the rejection of claims 10, 11, 13, and 14 as obvious over Bennett *et al.* in view of Metz *et al.*

Claims 10 and 11 depend from claim 9 and further specify a bumper secured to the enclosure at an outer perimeter thereof (claim 10) and that the bumper extends along substantially the entire perimeter of the enclosure (claim 11). Claims 13 and 14 also depend from claim 9 and specify that the bumper is secured to the base (claim 13) and that the bumper extends along substantially the entire perimeter of the base (claim 14). For the reasons stated

above, the cited art fails to disclose or suggest an IV pole having a base comprising an enclosure that substantially covers the wheels. Consequently, the cited art also cannot disclose or suggest a bumper secured to that base (or enclosure) or extending along substantially the entire perimeter thereof. The Examiner has stated that such a configuration would have been obvious, without citing prior art that discloses or suggests even an incentive for providing that configuration. This amounts to impermissible hindsight reconstruction of the invention based on the applicants' present disclosure. The vacuum cleaner bumpers referred to by the Examiner are non-analogous. There is no disclosure or suggestion in the cited references that one of ordinary skill in the IV pole art would look to the vacuum cleaner art to address the problems solved by the applicants' present invention. The rejection of claims 10, 11, 13, and 14 is therefore improper and should be reconsidered and withdrawn.

Applicants also respectfully traverse the rejection of claim 22 as obvious over Bennett *et al.*

Claim 22, as amended, recites, *inter alia*, means for towing an IV pole comprising a fitting that is coupled to the pole proximate the base and which has an aperture for receiving a towing coupling. Bennett *et al.* does not disclose or suggest a fitting that (1) is coupled to a pole and (2) has an aperture for receiving a towing coupling. Instead, Bennett *et al.* discloses an attachment device 100 including a collar 102 to which two adjustable arms 106 are fixed. The adjustable arms 106 are connected to a gurney 92 via universal joints 118. There is no disclosure or suggestion of a fitting with an aperture for receiving a towing coupling as required by claim 22. The rejection of claim 22 should be reconsidered and withdrawn.

Applicants further respectfully traverse the rejection of claims 23 and 24 as obvious over Bennett *et al.* in view of Schmuhl.

Claim 23, as amended, specifies an IV pole with an adjustable-height hanger coupled to the pole proximate the base for hanging a catheter bag. Claim 24, as amended, specifies an adjustable-height catheter bag hanger coupled to the pole at an adjustable vertical position wherein, when a catheter bag is hung on the catheter bag hanger and coupled via a catheter to a catheterization site on a patient, the catheter bag is movable to a position below the catheterization site.

Neither Bennett *et al.* nor Schmuhl discloses or suggests an adjustable-height hanger coupled to an IV pole for hanging a catheter bag as specified by claim 23, as amended, or an adjustable-height catheter bag hanger coupled to the pole at an adjustable vertical position wherein, when a catheter bag is hung thereon and coupled via a catheter to a catheterization site on a patient, the catheter bag is movable to a position below the catheterization site, as specified by claim 24, as amended. No such hanger is disclosed in Bennett *et al.*, and the “hook 36” of Schmuhl is disclosed to be “welded to the tube” (*see* Schmuhl, column 4, lines 35-37) such that it cannot be adjustable in height. Thus, Schmuhl not only fails to disclose or suggest any motivation for allowing the height of a catheter bag hanger to be adjustable but actually *teaches away from* the adjustable-height hanger of the applicants’ present invention. The rejection of claims 23 and 24, as amended, should be reconsidered and withdrawn.

Applicants further respectfully traverse the rejection of claims 25, 27, and 28 as obvious over Bennett *et al.* in view of Bancalari.

Claim 25, as amended, and claims 27 and 28 dependent thereon, specify an IV pole having a base and a pole that comprises a first arm extending substantially vertically upwardly from a first portion of the base and a second arm extending substantially vertically upwardly from a second portion of the base different than the first portion. Claim 27 further specifies that

each of the first and second arms comprises a respective plurality of telescoping tubular sections, and claim 28 further specifies that each of the first and second arms comprises a lower portion secured to the base, a central portion, and an upper portion.


Neither Bennett *et al.* nor Bancalari, nor any of the other cited art, discloses or suggests a plurality of tube sections (*i.e.*, two or more) extending upwardly from different portions of the base, as specified by claim 25. Instead, Bennett *et al.* and Bancalari each disclose a single telescoping pole secured at a single location. Claim 25, in contrast, requires a *plurality* of tube sections extending upwardly from different respective portions of the base. Bennett *et al.* and Bancalari disclose poles formed of telescoping sections, but only the lowermost of those telescoping sections extends “from” the base. The other telescoping sections extend from that lowermost one but not from the base, much less from a different portion of the base than does the lowermost telescoping section. Therefore, claims 25, 27, and 28 should be allowed. Claim 28 is allowable for the further reason that it specifies “first and second arms” which *each* comprise “a lower portion secured to the base, a central portion, and an upper portion.” Similarly, claim 27 further defines each of the first and second arms as comprising a plurality of telescoping tubular sections. None of the cited art shows an IV pole with this two-pole configuration. The rejection of claims 25, 27, and 28 should be reconsidered and withdrawn.

In view of the foregoing, the applicants respectfully request reconsideration and withdrawal of the rejections and allowance of the application with claims 2-20 and 22-32, as amended.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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